

Notice of Allowability

Application No.

10/603,032

Examiner

Katherine W. Mitchell

Applicant(s)

GORDON, GARY G.

Art Unit

3677

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 5/4/2005.
2. ☒ The allowed claim(s) is/are 1-12.
3. ☒ The drawings filed on 24 June 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 5/4/2005
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date with this action
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☒ Other 7 and 8 same doc.

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Examiner
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EXAMINER'S AMENDMENT

1. Examiner very much appreciates applicant's exceptional cooperation in prosecuting this application, and specifically thanks applicant for re-supplying several non-patent references which were lost in the scanning process. Examiner apologizes for the inconvenience.
2. Applicant's amendment has overcome all previous claim objections.
3. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.
4. Authorization for this examiner's amendment was given in a telephone interview with Thomas Tarolli on July 8, 11, and 14, 2005.
5. The application has been amended as follows:

In the Claims:

Claim 1, line 6 has been amended to insert --generally planar-- between "a' and "base".

Claim 1, line 12 has been amended to insert -- parallel to the generally planar base-- after "linear axis" and "relative to said base" has been deleted.

Claim 10, line 6 has been amended to insert --generally planar-- between "a' and "base".

Claim 10, line 14 has been amended to insert -- parallel to the generally planar base-- after "linear axis".

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6. The following is an examiner's statement of reasons for allowance:

Applicant's argument is accepted as overcoming the double patenting rejection.

On further consideration of applicant's argument, examiner agrees that the pending invention is not obvious over Gordon 921 in view of Naylor. Applicant has defined structure, not merely function, and it is true that the tracks disclosed in Gordon '921 would not work with linear sliding movement of an actuator, and thus examiner agrees that a terminal disclaimer is not needed.

7. The prior art of record does not teach or make obvious a two-part fastener insertable in an opening, comprising a generally planar base with a plurality of insertable resilient legs biased outwardly away from each other, and movable by an inserted actuator between a plurality of positions, said actuator slidably movable along a linear axis parallel to the generally planar base, with the plurality of actuator positions including a first position in which the actuator blocks the legs and thus blocks removal of said legs from said opening {i.e, the fastener is inserted and is expanded so the legs are blocked from being removed from the hole, but it is not locked in place}, a second position wherein the actuator blocks inward movement of legs, thereby blocking removal of the fastener through the opening {i.e., the fastener is locked in place because the legs cannot move inward}, and a third position in which the actuator holds the legs inward thus enabling the fastener to be removed through the opening {i.e, the legs are compressed together by the actuator, not just allowed to be compressed by the opening or tool, so the fastener can be removed}. This limitation is both independent claims.

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8. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Katherine W. Mitchell whose telephone number is 571-272-7069. The examiner can normally be reached on Mon - Thurs 10 AM - 8 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on 571-272-7075. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

10. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


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Kwm
7/14/2005